

# **Exhibit X**

DR. WILLIAM LONGO, on 03/03/2023  
ANTHONY HERNANDEZ VALADEZ vs JOHNSON & JOHNSON, et al.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANTHONY HERNANDEZ VALADEZ, ) Case No. 22CV012759  
)  
Plaintiff, )

vs. )

**Certified Transcript**

)  
JOHNSON & JOHNSON; ALBERTSONS )  
)  
COMPANIES, INC., individually, and )  
)  
as successor-in-interest, parent, )  
)  
alter ego and equitable trustee )  
)  
LUCKY STORES, INC.; LUCKY STORES, )  
)  
INC.; SAFEWAY INC.; SAVE MART )  
)  
SUPERMARKETS, individually, and )  
)  
as successor-in-interest, parent, )  
)  
alter ego and equitable trustee of )  
)  
LUCKY STORES, INC.; TARGET ) (Pages 1-114)  
)  
CORPORATION; WALMART INC.; and )  
)  
FIRST DOE through ONE-HUNDREDTH DOE, )  
)  
Defendants. )  
\_\_\_\_\_ )

REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

DR. WILLIAM LONGO

Friday, March 3, 2023

Reported by: John Fahrenwald, CA CSR 14369, RPR  
\_\_\_\_\_

1 Q. We can talk about perpendicular in a second. In  
2 parallel -- you're selling me that in parallel, talc plates  
3 and an elongated talc piece will not be the same color?

9:37:20AM

4 MR. RIVAMONTE: Misstates testimony.

5 Q. (BY MR. DUBIN:) Are they the same or not the same?

8:49:12AM

6 A. Well, which ones do you want to point to?

7 Q. I'm looking at one in parallel.

8 A. I'm looking at a whole range of colors, but I'm  
9 not seeing anything that meets the criteria for a fibrous  
10 bundle.

9:37:58AM

11 Q. I'm not --

12 A. So it's -- we're arguing -- we're debating over  
13 this color when it has no useful ending to it other than a  
14 talking point on your hat.

15 Now I've answered the question. We need to move  
16 on.

9:38:11AM

17 Q. Can you tell me what the refractive index of a  
18 talc plate is?

19 MR. RIVAMONTE: Vague and overbroad.

20 THE WITNESS: I would say the majority of them  
21 there, you know, are down in the 1. -- 1.5 -- maybe 1.55 --  
22 1.558 or something like that. I don't know. I'd have to  
23 go -- I'd need to be looking in the microscope and look at  
24 the chart.

9:38:28AM

25 What I do know is platy talc is not fibrous, so

9:39:01AM

1 it's not in the equation. And what I do know, if I look  
2 over in the alpha, we don't see any blues. And if I look at  
3 what is in perpendicular on that big structure up in the  
4 left-hand corner, where I say, this is a -- this is a  
5 talc -- talc plates on edge right there or this is fibrous  
6 talc, and that's now -- in the left-hand side, that's in the  
7 alpha direction, and you can't see such a blue on the end.  
8 It's real bright.

9:39:06AM

9 And then on the right-hand side, now it's in the  
10 parallel direction and you still got the white. That's out  
11 of the range of all the refractive indices. I mean, you're  
12 looking at greater than 1.590.

9:39:30AM

13 And on the other side, you're looking, less than  
14 1.535.

9:39:45AM

15 Q. All right. Let's see if we can -- we'll come back  
16 to this issue in a second. Let's go to the next. Let's go  
17 to slide 16.

9:40:05AM

18 Typical guidance on how this birefringence value  
19 should be calculated if we take the highest parallel,  
20 meaning the brightest color, and the lowest perpendicular.  
21 Correct? That's how birefringence in the published  
22 literature is calculated. Correct?

9:40:31AM

23 A. No. And no.

24 Q. Okay.

25 A. Not calculated at all. If you actually to

9:40:55AM

1 and straight up, you see a very yellow-looking structure.

10:24:29AM

2 And I can see structures in that.

3 And then if I go to the parallel, I can see this  
4 brightish -- bright white and a bright blue. That's fibrous  
5 talc.

10:24:49AM

6 And tell me, if you can absolutely see the  
7 difference there.

8 **Q. Okay. Talc in perpendicular can also be blue.**  
9 **Right?**

10 A. Fibrous talc in the perpendicular can be blue.

10:25:11AM

11 But if you compare -- if you go to the  
12 perpendicular photograph, which would be the next one where  
13 I said, that's talc. And look at it in the perpendicular --  
14 it's not quite on perpendicular -- it's bright -- light,  
15 bright blue to white. So that white puts it less than  
16 1.535.

10:25:31AM

17 **Q. So what is the structure to the right of the one**  
18 **that you've identified, the larger blocky structure with**  
19 **blue on the side? What is that it? Looks like it's mostly**  
20 **in perpendicular.**

10:25:53AM

21 A. I just have to get oriented here, so give me a  
22 second.

23 **MR. RIVAMONTE: Mr. Dubin, I just want to clarify.**  
24 **The image that we're currently looking at now is page 32 of**  
25 **Dr. Longo's report, the parallel dispersion?**

10:26:44AM

1 MR. DUBIN: On the right, yeah.

10:26:49AM

2 MR. RIVAMONTE: Okay. Yeah.

3 MR. DUBIN: I'm not sure if it has page numbers or  
4 we just counted pages.

5 MR. RIVAMONTE: I'm just looking at the PDF,  
6 whatever the PDF says. It's page 32.

10:27:07AM

7 Q. (BY MR. DUBIN:) Sorry, Doctor, I wasn't sure if  
8 you were in the middle of --

9 A. Yeah, I heard it. I'm just looking at it. It's  
10 hard to say, what is that? What is that?

10:27:20AM

11 I mean I'd have to be looking in the microscope at  
12 it to tell you what that is. It's not something we  
13 identified. So I don't know what's wrong with it, but I'd  
14 have to be looking in the PLM scope to make a guess.

15 Q. Based on morphology, does that to appear to be a  
16 talc plate?

10:27:37AM

17 A. Again, I'd have to be looking in the microscope to  
18 make any decision on what that might be.

19 Q. And is that generally true? In order to properly  
20 judge what colors were observed on here, you would have to  
21 be at the microscope and actually look at the slide?

10:27:54AM

22 A. It's not so much the colors. It's the focus.  
23 It's -- you know, I would look at elongation, at lower  
24 magnification. So got kind of an oddball structure to it to  
25 be chrysotile. I don't -- doesn't really have substantially

10:28:22AM

1 Q. Okay. Now let's go back one slide, back to 26.

10:35:52AM

2 And so 500, the color that we should be observing is the one  
3 underneath the 500. Right?

4 A. It should be close to that.

5 Q. Are you honestly telling me that when you look at  
6 this image, that structure is that magenta color underneath  
7 500?

10:36:07AM

8 A. Well, no.

9 MR. RIVAMONTE: Argumentative.

10 THE WITNESS: I'm not saying that. That magenta  
11 color under 500 -- ours is more in the 1.572 -- you know, if  
12 these are -- if he's correct. I got to go back to his  
13 tables, and we're using the tables he has in his  
14 publication. And I'd be looking at -- let me take look at  
15 that.

10:36:22AM

16 Oh, I'm looking at the chrysotile. No wonder.  
17 Need to be looking at the talc that we analyzed. Where is  
18 that? You're looking at the standard. No wonder. There it  
19 is.

10:36:49AM

20 No, we have sort of that at the 500 mark. Again,  
21 I'd have to be under the microscope to look at it, but the  
22 outer edge, I think that was averaged. But I think that's  
23 what you're using is from one of his older Su tables maybe.  
24 But I don't have a problem with -- the whole thing is not  
25 looking this magenta -- redder-ish [sic] purple.

10:38:57AM

10:39:27AM

1 But on the outer edge, on the top of the structure  
2 it has where the Becke line is. So I'm not concerned with  
3 that.

10:39:30AM

4 Q. Can you see anything -- again, see this little  
5 particle, this yellow particle, the talc plate in between  
6 these blue structures to the right of what you've mark off?  
7 See those talc plates?

10:39:39AM

8 A. I do.

9 Q. Is there some difference that you're -- you're  
10 seeing there that causes you to call this magenta and --

10:39:57AM

11 A. No, I'm not saying the whole thing is magenta.  
12 What we're doing now is we're averaging them. It's hard to  
13 see where you haven't blown it up.

14 But on the top edge, we have a little bit  
15 different color there. So I'd have to go and look at -- and  
16 see if this was averaged out on it. Because at least on my  
17 photograph, I can see on that top edge where the Becke line  
18 is.

10:40:19AM

19 Q. Okay. Let's go forward to more slides.

20 To that one, yeah.

10:40:42AM

21 So again, what we've -- we've already talking  
22 about this. Let's go one more. Okay.

23 What color are you seeing here in this structure  
24 that you've identified as chrysotile?

25 A. Is this the new one?

10:41:12AM



1 A. Purple, purplish-red.

10:43:05AM

2 Q. Okay?

3 A. That's what I'm seeing on the outer edge, not the  
4 whole structure.

5 Q. Okay. So is it -- you're understanding then that  
6 this chrysotile, it's going to be all yellow -- and it's  
7 going to be yellow and then some faint line of purple on the  
8 outside or something like that? That's what you're seeing  
9 here?

10:43:13AM

10 A. What are you -- I'm not sure what you're talking  
11 about. I see no yellow on that chrysotile structure. What  
12 I'm looking at is the outer edge of the bundle.

10:43:38AM

13 Q. Uh-huh. Okay. So let's keep going. But you're  
14 treating this -- for purposes of your birefringence  
15 calculation, you're treating this -- the number that goes  
16 into your calculation is associated with purple?

10:44:00AM

17 A. Now, that's what it looks like to me, sitting  
18 here. Again, you know, I'd have to be sitting at the PLM  
19 scope, but I can see a reddish-purple around the edge, what  
20 I'm looking at right now.

10:44:22AM

21 Q. You can't see -- because, again -- because of the  
22 illumination, you can't see that also -- a little bit of an  
23 edge around the talc plate up there?

24 A. What I see around that talc plate is reds and  
25 yellows.

10:44:38AM

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1 try to compare -- 1.550 and try to compare to 1.560.

10:48:11AM

2 Q. I'm just talking about the color, the color  
3 itself. Right? The color of this is -- you're saying  
4 visually whatever oil it's in, that the structure we just  
5 looked at from the Johnson & Johnson is further towards  
6 purple than this. Right?

10:48:31AM

7 MR. RIVAMONTE: Asked and answered.

8 THE WITNESS: You can't compare the two.

9 And, yes, it's a darker reddish-purple than, you  
10 know, this magenta color eliminating the bright yellow  
11 colors and ignoring the size of structure under that, that  
12 is probably closer -- is more closer to the size ranges  
13 we're seeing.

10:48:52AM

14 So, yeah. You just can't compare the two. I told  
15 you my opinion about it and what was around the edge, and  
16 I'm not looking in a microscope. I can't answer it anymore  
17 and help you out here.

10:49:12AM

18 Q. Just so we're clear what I'm asking about, I'm  
19 comparing the color of this to -- go back a couple of  
20 slides, please -- and this. These are the two ones I was  
21 asking you about. Right?

10:49:28AM

22 A. That's so misleading, Mr. Dubin.

23 Q. Well --

24 A. You're talking about the whole structure. I'm  
25 talking about right around the Becke line of a structure

10:49:42AM

1 will move into the structure, or it will move out of the  
2 structure.

11:58:52AM

3 Or it will stay at a particular -- and you will  
4 know if you got the right refractive indice fluid for a  
5 matching. So you have to -- it's a way to look at unknowns.

11:59:03AM

6 You know, you put 1.550, zero in and it moves  
7 away, I believe that is -- means -- and I always forget --  
8 it's either too high or too low to -- and what you're  
9 looking for is a fluid that you don't get movement.

10 Q. Okay. And just for --

11:59:29AM

11 A. So it matches what the wavelength -- what the  
12 matching wavelength.

13 Q. Just for reference, we're looking at

14 M71614-001CSM-002.

15 So are there any images in here where we can  
16 determine the colors that we're seeing in the Becke line and  
17 translate those into wavelengths of light? Or do we not  
18 have images to be able to do that?

11:59:46AM

19 A. You know, maybe. You don't really have the image  
20 there. But the one that's parallel -- I don't know if you  
21 could really do that or not. We don't do Becke line work  
22 here, so it's not something I do all the time or would do.

12:00:06PM

23 I wouldn't use Becke lines to identify a  
24 particulate that's unknown. I would start off with SEM or  
25 something.

12:00:30PM

1 Q. Okay. So you wouldn't be able to tell me, for  
2 example, if this were a Becke line, what wavelength of light  
3 that -- what color -- what wavelength of light that's  
4 associated with?

12:00:31PM

5 A. No. In order for me to do that, I would have to  
6 be sitting at the microscope, in focus, out of focus, and  
7 look at that.

12:00:45PM

8 So, no, that's not something I can just do from  
9 looking at this picture. At least I can't.

10 Q. So then for purposes of understanding your  
11 testimony when you were talking about Becke lines before,  
12 you just mean the edge of the image and the dispersion  
13 standing?

12:00:59PM

14 A. Correct. I should have been more careful about  
15 how I was phrasing.

12:01:17PM

16 Q. Okay. And in -- when we were talking earlier  
17 about the tungsten lighting that was on the old microscope,  
18 is it fair to say that in all of the old depositions where  
19 we've talked about your chrysotile findings in Johnson &  
20 Johnson, when you were speaking about the images depicting  
21 gold colors or orange colors, that was with a microscope  
22 that was using tungsten lighting that was adding yellow to  
23 the image?

12:01:38PM

24 A. Yeah, could be.

25 But the interesting thing is the refractive

12:01:59PM

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## C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

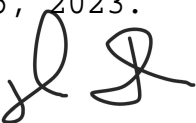
That the foregoing proceedings were taken before me via videoconferencing at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript was [ ] was not [ ] requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: March 6, 2023.



JOHN FAHRENWALD

CA CSR 14369